P
178 doctor who was in charge of the dispensary at Flandria at that time
588 informed me of the case of a Batswa fruit harvester in the service of
569 the H.C.B. who had syphilis of unquestionably sexual origin.
164

M Though a racial difference constitutes an obstacle to marriage,
582 a tribal or ethnic one does not. Where the geographic situation permits, true Nkundó, such as the Elíngá, marry members of neighboring groups such as the Ngombe, the Mbole, or the Ekonda.

Article II. Social Status

M Among the Nkundó a difference in social status is not an
554 obstacle to marriage. They have no social classes strictly speaking.
582 They differentiate between those with authority, those who are in-
[565] feriors, and the individuals or families who are not entitled to their
[571] word in political matters; but these ideas do not come into play in ordinary social relations, [245] and especially not with respect to marriage. A person may belong to a clan which is inferior, subject, dependent, foreign, or descended from a slave; nevertheless he may marry even a member of the group's senior clan. These distinctions are in the realm of politics; a marriage is a matter of law, affection, and good relations based on the payment of a bride price.

M Actual slaves are an exception, but here a distinction must
567 be made between the sexes. Unions with slave women were very
582 common, but they were not marriages strictly speaking. Before a real marriage was entered into, the woman was set free. More details on this subject will be given in Chapter VII, Article V. For men the situation is altogether different. The condition of a slave was not only inferior, it was dishonorable, though a bit less so than among the Ancients. It might be overlooked if the love between the pair was unusually ardent, and there are a few clans descended from a "free" woman and a slave man, who were united in a proper and legitimate marriage for which the master paid the bride price.

There is no longer any opposition to the union of a "free" person with the descendant of a mixed marriage. The children may always claim kinship with their maternal ancestors who in these

The risk of being wounded, reduced to slavery, or killed, often cools the adulterer's passion. Therefore, the more the husband showed that he was fearless, violent, physically powerful, or of a high social position, the more his wives and their lovers were on their guard. Certain men were so jealous of one of their wives and so determined to take vengeance with extreme severity that the tempters did not even dare to think of approaching her.

2) The payment of an indemnity seems to be the standard sanction. It is the only one that remains legal at the present time; consequently it is coming more and more to the fore.

Any of the types of evidence examined above justify the claim for an indemnity.

The indemnity may be minimal, consisting of 2 to 5 copper rings, or heavy, going up to 20 to 30 rings or a slave. The maximum is always demanded for adultery with a favorite. The size of the payment depends on the persons involved, the relationships that bind them, the frequency of misconduct, and the nature of the action observed. For instance, if the husband catches the couple when arranging a meeting or exchanging gifts, the indemnity will be small; if, on the other hand, he has caught them in flagrante delicto, it will be high.

A man who demands a high indemnity must expect to be treated the same way should the occasion arise. The application of the law of retaliation in that case is fully approved by Nkundó opinion.

In addition to the situations examined in the preceding article, there exists another which does not result in an indemnity claim. It arises if the culprit belongs to a clan of slaves or is in some other way subject or inferior (mpámá or bowélé). (1) Even

1. Strangers who are settled with a tribe or group but are in no way related to them.

if the husband catches the culprit in the act, he politely asks him to go away and leave his house [321] and his wife: ôntsíkél' îlombe, njôyá é! Here is true Nkundó courtesy in practice. It might

certainly happen that a husband who was too jealous or impetuous would wound, kill, or sell his rival. But this was an exception and was always condemned since it was absolutely lacking in chivalry. In any case there can never be any question of demanding an indemnity; such an act would be absolutely shameful.

The culprit is notified of the demand for an indemnity by the ndonga, who in difficult cases is accompanied by various notables. If the husband foresees strong opposition on the debtor's part, he gives the ndonga a special present of a bunch of bananas and two fish (or a hen) "so that he would not be forced to eat the rival's food."

A persistent and categorical refusal to pay the indemnity is unusual. For it can have serious consequences: the taking in custody followed by enslavement because of debts, or [the taking of] compensation in the person of his wife or of a relative, or the retention [by her relatives] of a relative of the creditor who is married into the debtor's clan (ikɨkelo). Since these practices of taking hostages and of bodily constraint have been abolished, there remains the intervention of the courts, seconded by the police.

What is the Nkundó idea of this payment which we have called an indemnity in order to facilitate its description? The question is difficult to answer. Here are the linguistic facts which may provide elements of the solution:

The payment for adultery is called nyongo, and the word is used together with the verb ka, "to give." The expression is equivalent to the verb lingala fɨta (from which the noun bofɨto is derived). It signifies "payment" in the broadest sense and thus also covers our words "pay," "salary," "remuneration." In addition to its application in the case of adultery, it is also used in many other situations, such as remuneration for work, payment for a service, etc. Nyongo does not mean "compensation," which is called lowɨɨla, nor "a payment making amends [322] and apologizing for an offense," which is bɔ́ɔndo, nor "indemnification" (mbɨlaka). What the expression has in common with the last term is the concept of a